



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

27 NOV 2006

Ms. Joan Roeseler  
Director of Program Development Planning  
Federal Transit Administration  
901 Locust Street, Suite 404  
Kansas City, MO 64106

Mr. David Miller  
City of Branson  
110 West Maddux Street, Suite 310  
Branson, MO 65616

Dear Ms. Roeseler and Mr. Miller:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Branson Transit Study, Proposed Alternatives Analysis, City of Branson, Taney County, Missouri. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA). The DEIS was assigned the Council on Environmental Quality (CEQ) number 20060412.

Based on our overall review and the level of our comments, the EPA has rated the DEIS for this project LO (Lack of Objections). A copy of EPA's rating descriptions is provided as an enclosure to this letter.

Although we do not have objections to the proposed alternatives, we recommend that the City of Branson and the Federal Transit Administration expand the list of potential alternatives to consider other alternatives that would meet the purpose and need of the project at a reduced cost. For example, alternatives could include designating, (or building) a bus-only or trolley lane along State Route 76. The DEIS dismisses widening this roadway because of the expense of moving utility lines and because of potential impact on dense development. A more detailed analysis should be done to determine the extent of this potential impact and projected cost in comparison to the sky train alternatives which also include moving utilities.

We recommend revising the Air Quality sections to clarify the Clean Air Act Amendments (CAAA) 1990 requirements for this project. Because the project area is in attainment, a conformity analysis for this project is not required. However CAAA, Part C -

Prevention of Significant Deterioration (PSD) and Section 169A which provides for visibility protection for Federal Class I Areas are applicable. The Hercules Glades, a National Wilderness Area, is located only 10 miles northeast of Branson. All direct and indirect emissions from the project should be quantified and analyzed to determine the potential impact on this area. Potential mitigation should include consideration of alternative fuel or hybrid transit vehicles.

Several public water system (PWS) wells are located along the proposed route for Alternatives B1 and B2. We recommend that the DIES address potential impacts to these wells and that mitigation measures be included to ensure that no contamination of the public water system could occur during construction or operation of the project. Mitigation measures should address potential for impacts to the integrity of the wells by blasting, pile driving, or other construction measures and the potential for release of hazardous materials, such as paint, cleaning agents, or gasoline. For more information, please contact the City of Branson or Taney County to determine if a wellhead protection program is established for the area.

The cumulative impacts analysis needs to consider significant impacts from reasonably foreseeable projects as well as past and present projects in the area. The secondary impacts analysis should also include additional development related to the improved transportation facilities as proposed by the project. Cumulative and secondary impacts will affect air, water quality, wetlands, and wildlife habitat, and can be both positive and negative. These potential impacts should be analyzed for significance and discussed in the Final EIS.

We appreciate the opportunity to provide comments regarding this project and your DEIS. If you have any questions or concerns, please contact Kim Johnson at (913) 551-7975.

Sincerely,

A handwritten signature in black ink, appearing to read 'U. Gale Hutton', written over a horizontal line.

U. Gale Hutton  
Director  
Environmental Services Division

Enclosure

## **Draft Environmental Impact Statement Rating Definitions**

### **Environmental Impact of the Action**

#### **"LO" (Lack of Objections)**

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### **"EC" (Environmental Concerns)**

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### **"EO" (Environmental Objections)**

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative. EPA intends to work with the lead agency to reduce these impacts.

#### **"EU" (Environmentally Unsatisfactory)**

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### **Adequacy of the Impact Statement**

#### **"Category 1" (Adequate)**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.